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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,102	03/16/2001	Yuki Arai	T4025.0022/P022	8958
24998	7590	07/30/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			MAURO JR, THOMAS J	
2101 L STREET NW			ART UNIT	
WASHINGTON, DC 20037-1526			PAPER NUMBER	

2143

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p style="text-align: center;"><b>Office Action Summary</b></p>	<b>Application No.</b> 09/809,102	<b>Applicant(s)</b> ARAI, YUKI	
	<b>Examiner</b> Thomas J. Mauro Jr.	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                                         |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20010730, 20040709</u> . | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. Claims 1-4 are pending and are presented for examination. A formal action on the merits of claims 1-4 follows.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Computer system for safely reproducing data over the Internet".

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 recite a "recording medium carrier" which is employed to "carry said recording medium from said data recording unit to said data reproducing unit." Based upon the specification, it is unclear what the "recording medium carrier" being described actually refers to. Because of the use this broad term and lack of description in the specification, the Examiner,

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for purposes of examination, has taken this to mean any means which can transport data from one location to another, namely, a network.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith et al. (U.S. 6,487,599).

With respect to claim 1, Smith teaches a computer system comprising:

a first computer [Smith -- Figure 1 item 16, Col. 3 line 39 and Col. 4 line 9 – First computer is the producer of documents, i.e. sender]; and

a second computer connected to a computer network [Smith -- Figure 1 item 12, Col. 3 lines 36-37 and Col.3 lines 57-67 - Col. 4 lines 1-14 – Second computer is the binary file delivery (BFD) server connected to a network, i.e. the Internet],

wherein a storage unit, a data recording unit and a recording medium carrier are connected to said first computer [Smith -- Figures 14 and 16, Col. 10 lines 19-27, Col. 11 lines 27-30 and Col. 13 lines 11-15 – Sender has the ability to send documents (files) from a

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**computer desktop to the BFD server over a network. Thus, it is implicitly taught that the files are stored in some storage unit, i.e. hard drive, on the computer. In addition, in order for files to be sent, they must be recorded, i.e. written, to a memory (buffer) of the sending computer before being carried by the recording medium carrier, i.e. network, to its destination], a data reproducing unit is connected to said computer [Smith -- Figures 14 and 16 and Col. 4 lines 7-22 and lines 31-51 -- BFD server contains a store, i.e. storage, which allows for read/write functions on data to distribute to receiving clients],**

**said first computer controls said data recording unit to record data stored in said storage unit into a recording medium, and then controls said recording medium carrier to carry said recording medium from said data recording unit to said data reproducing unit [Smith -- Figures 14 and 16, Col. 10 lines 19-27, Col. 11 lines 27-30 and Col. 12 lines 51-67 - Col. 13 lines 1-28 -- Sending computer controls the transferring of documents from one computer, i.e. the sender, to a second computer, i.e. the BFD server. In order to accomplish this, the reference implicitly teaches that the files stored on the computer, which are to be transferred, are written to another memory or buffer, i.e. RAM or an output buffer/port, before being carried by the network to the BFD server. Therefore, the reference anticipates these limitations], and**

**said second computer controls said data reproducing unit to reproduce the data recorded in said recording medium, and then transmits the reproduced data through said computer network [Smith -- Figures 14 and 16, Col. 4 lines 15-65 and Col. 10 lines 28-34 -- Second computer, i.e. BFD server, reproduces, i.e. reads, data sent from the sender and stores it in recording**

**medium, i.e. store. From this server, the documents are distributed over the Internet, i.e. network, to various users who wish to receive the document/file].**

With respect to claim 2, Smith further teaches wherein said data recording unit initializes said recording medium before said data is recorded into said recording medium [Smith -- **Figures 14 and 16, Col. 10 lines 19-27, Col. 11 lines 27-30 and Col. 13 lines 11-15 – Sender has the ability to send documents (files) from a computer desktop to the BFD server over a network by writing the information to a buffer/output port, i.e. memory location. In order to write more information to transfer more data files, the buffer must be initialized, i.e. cleared out, to be able to send more data. Thus, this initialization is implicitly taught].**

With respect to claim 3, Smith teaches a computer system comprising:

a first computer [Smith -- **Figure 1 item 16, Col. 3 line 39 and Col. 4 line 9 – First computer is the producer of documents, i.e. sender]; and**

a second computer connected to a computer network [Smith -- **Figure 1 item 12, Col. 3 lines 36-37 and Col.3 lines 57-67 - Col. 4 lines 1-14 – Second computer is the binary file delivery (BFD) server connected to a network, i.e. the Internet],**

wherein a storage unit, a first data recording and reproducing unit and a recording medium carrier are connected to said first computer [Smith -- **Figures 14 and 16, Col. 10 lines 19-27, Col. 11 lines 27-30 and Col. 13 lines 11-38 – Sender has the ability to send documents (files) from a computer desktop to the BFD server over a network. Thus, it is implicitly taught that the files are stored in some storage unit, i.e. hard drive, on the computer. In**

addition, in order for files to be sent, they must be recorded, i.e. written, to a memory (buffer) of the sending computer before being carried by the recording medium carrier, i.e. network, to its destination. In addition, sender is able to reproduce, i.e. read, data written to it by the BFD server, i.e. receipt of data notification], a second data recording and reproducing unit is connected to said second computer [Smith -- Figures 14 and 16, Col. 4 lines 7-22 and lines 31-51 and Col. 13 lines 15-28 – BFD server contains a store, i.e. storage, which allows for read/write functions on data to distribute to receiving clients. Data is also recorded, i.e. written, to notify sender that data has been received. This allows for both the sender and BFD server to both read/write data to each other],

said first computer controls said first data recording and reproducing unit to record data stored in said storage unit into a recording medium, and reproduce second computer information indicating a data reproducing state of said second computer, recorded in said recording medium, and then controls said recording medium carrier to carry said recording medium from said first data recording and reproducing unit to said second data recording and reproducing unit [Smith -- Figures 14 and 16, Col. 10 lines 19-27, Col. 11 lines 27-30 and Col. 12 lines 51-67 - Col. 13 lines 1-28 – Sending computer controls the transferring of documents from one computer, i.e. the sender, to a second computer, i.e. the BFD server. In order to accomplish this, the reference implicitly teaches that the files stored on the computer, which are to be transferred, are written to another memory or buffer, i.e. RAM or an output buffer/port, before being carried by the network to the BFD server. In addition, sender computer reproduces, i.e. reads, information sent from BFD server providing notification of receipt of past information sent. Therefore, the reference anticipates these limitations], and

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said second computer controls said second data recording and reproducing unit to reproduce the data recorded in said recording medium, and record said second computer information into said recording medium, and then transmits said reproduced data through said computer network [Smith -- Figures 14 and 16, Col. 4 lines 15-65, Col. 10 lines 28-34 and Col. 13 lines 15-28 -- Second computer, i.e. BFD server, reproduces, i.e. reads, data sent from the sender and stores it in recording medium, i.e. store. Additionally, functionality of recording unit is provided to write data to be sent to first computer to provide receipt notification of data. From this server, data files are distributed over the Internet, i.e. network, to various users who wish to receive the document/file].

With respect to claim 4, this is a system claim corresponding to the system claimed in claim 2 above. It has similar limitations; therefore, claim 4 is rejected under the same rationale.

*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sakakura (U.S. 6,725,370) discloses a replicating server which safely shares data and services between a local network and the Internet.
- Delph (U.S. 6,199,104) discloses a content distribution system in which an intermediate server is employed to act as a middle agent in receiving data from a host provider and transmitting the data to various receivers
- Jiang et al. (U.S. 6,453,354) discloses a file server system for sharing data which employs data movers to extract data from a file system and provide the data to clients.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TJM

July 21, 2004



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